

Michigan Department of Civil Service

REGULATION

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Subject: CONDUCTING EMPLOYEE RATINGS			

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1. PURPOSE

This regulation establishes the standards and procedures approved by the state personnel director for conducting employee ratings.

2. CIVIL SERVICE COMMISSION RULE REFERENCE

Rule 2-2 Service Ratings

2-2.1 Rating System — *The state personnel director shall issue regulations to establish a system of service ratings to report the quality of service rendered by each employee in the classified service.*

2-2.2 Submission

- (a) **Probationary ratings.** *An appointing authority shall evaluate and rate the performance of each probationary employee during and at the end of the probationary period, as provided in rule 3-5. The appointing authority shall certify each probationary service rating to the department of civil service as directed by the department.*
- (1) **Full-time employment.** *At a minimum, an appointing authority shall rate a full-time probationary employee after completion of 6 months and again after completion of one year of employment. In addition, if the probationary employee is a new hire without status in the classified service, the appointing authority shall rate the employee after completion of 3 months of employment.*
- (2) **Less than full-time employment.** *At a minimum, an appointing authority shall rate a probationary employee working less than full-time after completion of 9 months and again after completion of 18 months of employment. In addition, if the probationary employee is a new hire without status in the classified service, the appointing authority shall rate the employee after completion of 3 months of employment.*
- (3) **Extension of probation.** *If a probationary period is extended beyond one year (for full-time employees) or 18 months (for less than full-time employees), the appointing authority shall also issue a service rating at the end of the extension of the probationary period.*
- (b) **Annual ratings.** *An appointing authority shall rate the performance of each nonprobationary employee at least annually. The appointing authority may use any appropriate rating method, including performance management plan ratings, unless the regulations require a particular method. The appointing authority shall certify each annual rating to the department of civil service as directed by the department.*
- (c) **Interim ratings.** *An appointing authority may issue an interim service rating for an employee at any time.*

- (d) ***Follow-up ratings.*** *If an employee's performance rating is less than satisfactory but the employee is not dismissed, the appointing authority shall establish in writing the length of a follow-up rating period. The appointing authority shall issue a follow-up service rating before or within 14 calendar days after the end of the follow-up rating period. If the appointing authority fails to issue a follow-up service rating within the time allowed, the employee may, within 14 calendar days after the end of the period allowed for issuance of the follow-up rating, request in writing that the appointing authority issue the follow-up service rating. If the appointing authority fails to issue the follow-up service rating within 14 calendar days after the employee's written request, the employee is returned to satisfactory standing, effective the end of the follow-up rating period. However, the return to satisfactory standing does not nullify any prior unsatisfactory performance rating or preclude the later use of any such rating.*

2-2.3 Unsatisfactory Service Rating — *If an employee receives a service rating that is less than satisfactory, the appointing authority may discipline the employee, up to and including dismissal. If an employee's last two service ratings are less than satisfactory and the appointing authority has taken no adverse action, the state personnel director may recommend to the civil service commission that the employee be removed from the position. An employee who receives a service rating that is less than satisfactory is not eligible to receive a performance-pay award or a higher salary step.*

2-2.4 Employee Review — *Agency management shall report each employee's service rating to the employee. If the employee receives a service rating that is less than satisfactory, agency management shall review the rating with the employee. The employee shall sign and date the service rating as evidence of the review. The employee's signature on a service rating does not indicate that the employee agrees with the service rating. The employee may file an explanatory statement to accompany the service rating.*

2-2.5 Performance-Pay Program Evaluation System

- (a) ***Performance measures.*** *An appointing authority shall establish performance objectives or competencies against which to measure the performance of each employee in the following:*
- (1) *The senior executive service (SES).*

- (2) *The senior executive management assistant service (SEMAS).*
- (3) *Equitable classification plan (ECP) Group 4.*
- (4) *ECP Groups 1, 2 or 3, when the state personnel director has approved the employee's inclusion in the performance-pay program.*
- (b) ***Annual review.*** *An appointing authority shall complete a performance appraisal and a salary review for each employee in the performance-pay program at least annually.*
- (c) ***Use of the appraisal.*** *An appointing authority shall use the performance appraisal as one factor in determining an employee's eligibility for an increase in base salary or a lump sum award. A performance appraisal may also be used in other human resource decisions, including promotion, retention, assignment, and need for training.*

Rule 3-5 Probation and Status

3-5.1 Probationary Period

- (a) ***New employee without status.*** *A newly appointed classified employee who does not have status in the classified service when appointed must satisfactorily complete a working test period, called a probationary period, and receive a final satisfactory probationary service rating as provided in rule 2-2 as a condition of continued employment.*
- (b) ***Employee with status.*** *An employee with status who is appointed to a new classification must satisfactorily complete a working test period, called a probationary period, and receive a final satisfactory probationary service rating as provided in rule 2-2 as a condition of continued appointment in that position.*
- (c) ***SES and SEMAS exceptions.*** *This rule does not apply to persons appointed to positions in the senior executive service (SES) and the senior executive management assistant service (SEMAS).*

3-5.2 Length of Probationary Period

- (a) **Minimum length.** *The minimum length of a probationary period is 12 months of full-time employment or 18 months of less than full-time employment.*
- (b) **Extension of probationary period.** *If the department of civil service or the appointing authority determines that (1) the probationary period has been insufficient to adequately test the performance of a probationary employee or (2) the performance of a probationary employee has been less than satisfactory, the department or the appointing authority may extend the probationary period for an employee. Any extension beyond an additional 6 months requires the approval of the state personnel director. The department or appointing authority shall give written notice of the extension of the probationary period to the employee.*

3-5.3 Unsatisfactory Service

- (a) **Employee without status.** *If an employee without status does not perform satisfactorily during the probationary period, as provided in rule 2-2, the appointing authority may dismiss the employee during the probationary period or within 28 calendar days after the probationary period ends. The appointing authority shall give notice of a dismissal to the employee and the department of civil service no later than 28 calendar days after the probationary period ends.*
- (b) **Employee with status.** *If an employee with status is appointed to a new classification and does not perform satisfactorily during the probationary period, as provided in rule 2-2, the appointing authority may, during the probationary period or within 28 calendar days after the probationary period ends, (1) dismiss the employee from the classified service or (2) rescind the appointment and demote the employee.*

3-5.4 Satisfactory Service; Notice — *If an employee ~~'s performs satisfactorily~~ service during the probationary period, is satisfactory, the appointing authority shall give notice to the employee and the department of civil service within 28 calendar days after the probationary period ends.*

* * *

3. DEFINITIONS

A. Civil Service Commission Rule Definitions

1. *Appointing authority* means each of the following:
 - (a) *A single executive heading a principal department.*
 - (b) *A chief executive officer of a principal department headed by a board or commission.*
 - (c) *A person designated by either of the preceding as responsible for administering the personnel functions of the department, board, commission or agency of convenience.*
2. *Status* means the recognition of an employee who has been properly appraised, qualified, and appointed to the classified service and who has satisfactorily completed the probationary period in an indefinite or limited-term appointment.

B. Additional Definitions as Used in This Regulation

1. Competencies mean the ability, skill, knowledge, and motivation needed for success on the job.
2. Day means calendar day.
3. Equitable Classification Plan (ECP) Group 1 means ~~classifications which non~~supervisory classifications that typically do not require less than a bachelor's degree ~~to for~~ entry, ~~and which normally do not supervise other employees.~~ Employees in these positions typically provide technical, office, paraprofessional, and other services that do not require a four-year degree.
4. Equitable Classification Plan (ECP) Group 2 means ~~classifications which non~~supervisory classifications that typically require a bachelor's degree or ~~post-bachelor's degree higher,~~ or ~~the an~~ equivalent ~~to enter,~~ and which normally do not supervise other employees. combination of education and experience, for entry.

5. **Equitable Classification Plan (ECP) Group 3** means managerial and supervisory classifications that ~~are responsible for the direct programs within a state agency and play an integral role in the management and supervision of subordinate staff state services.~~ These positions are typically limited to section heads, unit heads, and to other positions that are organizationally or functionally equivalent.
6. **Equitable Classification Plan (ECP) Group 4** means the second highest tier of classified management positions that administer programs within a state agency. These positions are typically restricted to division directors, office directors, bureau directors, their deputies, and to other positions that are organizationally or functionally equivalent.
7. **Probationary period** means a working test period that every person appointed to a new classification will satisfactorily complete as a condition of continued employment.
8. **Senior Executive Management Assistant Service (SEMAS)** means positions that perform administrative support, management assistant, and related executive support activities. These positions report to policy-making boards and commissions, department directors, members of the senior executive service, and other equivalent unclassified positions.
9. **Senior Executive Service (SES)** means the highest level classified positions in which the employees typically (1) report directly to state department directors or boards and commissions heading principal departments, (2) formulate and implement major policy, or (3) influence major programs and policies relating to the critical mission of each state department.
10. **Supervisor, for the purpose of this regulation,** means the person who has formal authority for enforcing directives and ensuring satisfactory performance of subordinates. A supervisor may be immediately superior in the employee's chain of command or may be removed, but directly in the employee's chain of command.

4. STANDARDS

A. Rating Forms

1. The Department of Civil Service has developed Performance Management and Competency Evaluation forms that may be used for: (1) probationary ratings; (2) annual evaluations for nonprobationary employees; (3) progress reviews, including reviews conducted at the 6-month point after conversion or hire into a performance-pay plan classification; (4) interim ratings; and (5) follow-up ratings. There is a rating form for employees in each group of the equitable classification plan and a separate form for Information Technology Pilot Program employees.

Group 1 Employees	CS-1750
Group 2 Employees	CS-1751
Group 3 Employees	CS-1752
Group 4/SES Employees	CS-1719B
IT Pilot Employees	CS-1744

The Performance Management Employee Rating form (CS-1719) for Employees in Performance-Pay Programs (Groups 1, 2, and 3) is also available from the Department of Civil Service. For departments choosing to use a separate interim rating form, the Interim Employee Rating form (CS-375) is available.

2. An appointing authority may use alternative rating forms instead of the Department of Civil Service forms as specified in their performance management plan approved by the Department of Civil Service.

B. Probationary Period Ratings

1. Probationary periods are required in any one of the following circumstances: (1) hire; (2) promotion; and (3) lateral job change to a different classification. A probationary period is not required for Senior Executive Service (SES) and Senior Executive Management Assistant Service (SEMAS) employees.
2. A probationary period is not required, but may be established for reinstatement, recall, ~~reassignment,~~ or lateral job change in the same classification or demotion.

3. Full-time probationary employees shall be reviewed upon completion of 6 months and 12 months of service. Less than full-time probationary employees shall be reviewed after completion of 9 months and again after completion of 18 months. New hires without status shall also be reviewed upon completion of 3 months of service.
4. Probationary ratings should be completed by the supervisor within 14 days of the end of the rating period.
5. The probationary period will continue upon reclassification upward in a series only if the employee ~~does not successfully~~ has not completed the probationary period before the effective date of the reclassification.
6. An appointing authority may demote or dismiss an employee receiving an unsatisfactory or needs improvement rating. If a less-than-satisfactory is issued at the 12-month point but the employee is not demoted or dismissed, the appointing authority must establish a follow-up rating period (see standard E).

C. Progress Reviews and Annual Ratings (Nonprobationary Employees)

1. Progress reviews may be conducted during the course of the annual evaluation period. Employees in performance-pay plan classifications may receive a progress review 6 months after appointment or conversion to a performance-pay classification.
2. An annual evaluation of an employee's performance shall be conducted. The appointing authority shall determine whether employees will be rated on their anniversary date, or if a common annual review date will be established. The supervisor shall review the employee's performance and/or behavior in relation to the established performance factors, objectives and competencies.
3. Progress reviews, if conducted, and annual ratings should be completed by the supervisor within 28 days of the end of the rating period.
4. Modifications to performance factors, objectives and/or competencies may be made at any time to reflect a change of assignments or expectations. When changes are made, the

employee and supervisor must sign and date the revised rating form.

5. If an unsatisfactory or “needs improvement” (applicable under the Group 4/SES and IT Pilot programs) rating is issued and the employee is not demoted or dismissed, the appointing authority must establish a follow-up rating period (see standard E).

D. Interim Ratings (Nonprobationary Employees)

1. An interim rating may be conducted to evaluate and document an employee's performance or behavior during the annual review period.
2. An interim rating shall address specific performance or behavior problems, identify specific expectations for improvement, and establish a time frame for improvement, generally 3 months, during a follow-up rating period. The follow-up rating will be due within 14 days of the end of the established review period (see standard E).

E. Follow-up Ratings

1. A follow-up rating period must be established whenever an unsatisfactory or “needs improvement” rating is issued and the employee is not demoted or dismissed. Generally, a follow-up rating period duration is set at 3 months.
2. The follow-up rating will be due within 14 calendar days of the end of the follow-up rating period.
3. If the follow-up rating is satisfactory, the employee shall be returned to satisfactory standing effective at the end of the follow-up rating period. Experience gained while in unsatisfactory or needs improvement standing is not creditable for qualification or reclassification purposes.
4. If the appointing authority does not issue a follow-up rating within 14 days, the employee may request in writing that one be issued. If the appointing authority does not issue a follow-up rating within 14 calendar days after the employee's request, the employee shall be

returned to satisfactory standing effective at the end of the follow-up rating period.

F. Performance Evaluation

1. The supervisor, or the supervisor and the employee, shall identify performance factors that are measurable and specific to establish expectations for the rating period and shall select a suggested minimum of five relevant competencies from those provided on the appropriate form. For Group 1 employees, only competencies are required and performance factors are optional.
2. All supervisory, managerial, administrative, and executive employees must have included in their performance management plan, a factor or competency to establish a performance expectation for conducting timely and effective employee ratings.
3. At the beginning of each rating period, the supervisor shall review the performance factors, objectives and/or competencies with the employee and explain that they establish the expectations and criteria for the employee's performance rating at the end of that review period. Following review of the factors, objectives and/or competencies, the employee shall sign and date the form certifying that the employee has reviewed the factors, objectives and/or competencies. The employee shall receive copy of the signed rating form.
4. At the time of evaluation, the supervisor shall provide a written review of the employee's performance for the period covered. The evaluation shall address what the employee accomplished in relation to established expectations and how the employee met, exceeded, or did not meet the objectives of the rating period as identified in the performance factors, objectives and/or competencies.
5. The supervisor shall discuss the evaluation with the employee. When the rating has been finalized, the supervisor shall obtain the employee's signature in the appropriate space on the form. The employee's signature does not necessarily mean that the employee agrees with the evaluation and rating assigned. An employee's refusal to sign the form shall be witnessed by another supervisor; that supervisor will sign the form indicating the refusal, and the form

will be processed as if the employee had signed. The supervisor shall retain a copy of the form, give the employee a copy and forward the original to the appointing authority.

6. Satisfactory ratings are not grievable. Unsatisfactory ratings may be grieved in accordance with the provisions of regulation ~~2-048.01~~, Grievance and Appeals Procedure for Employees in the State Civil Service, or applicable collective bargaining agreement.
7. An employee who disagrees with a rating may prepare and submit to the appointing authority a written statement taking exception to the rating. The appointing authority shall file the statement with the rating to which the statement takes exception.
8. The appointing authority shall forward a copy of any unsatisfactory or "needs improvement" rating to the Department of Civil Service. The rating shall be reflected on the employee's employment record.
9. If an employee's last two service ratings have been unsatisfactory and the appointing authority has taken no adverse action, the state personnel director may recommend to the civil service commission that the employee be removed from the position.
10. If an employee with status is appointed to a new classification level and does not perform satisfactorily at the new level, the appointing authority may dismiss the employee or demote the employee to the former level at which the employee gained status. In the event that the appointing authority chooses demotion and there is no vacant position at the former level, the employee may exercise employment preference in accordance with rule ~~2-192-4~~ on employment preference.
11. At the end of the evaluation period, the supervisor shall identify performance factors, objectives and/or competencies for the next evaluation period.

CONTACT

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 373-3048 or 1-800-788-1766, or MDCS-BHRS@state.mi.us.

NOTE: Regulations are issued by the State Personnel Director under authority granted in the State of Michigan *Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.